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factories that are to be established in the Province is yet to be taken in view of the Act passed by the Central Legislature."

SRI S. B. ADITYAN :—" May I know, Sir, whether these two factories are intended to be run by the Government? "

THE HON. SRI H. SITARAMA REDDI :—" No decision has been taken as to whether any or all the factories are to be run by Government or by private industrialists."

SRI N. SANKARA REDDI :—" May I know which will be much cheaper, Sir, whether power alcohol or petrol from potatoes? "

THE HON. SRI H. SITARAMA REDDI :—" I have not studied the economics of the manufacture of power alcohol from potatoes, Sir. If my hon. Friend puts a separate question I shall be able to furnish details."

[*Note.*—An asterksk (*) at the commencement of a speech indicates revision by the Member.]

## II.—STATEMENT BY THE LEADER OF THE HOUSE *RE* SITTINGS OF THE HOUSE.

THE HON. DR T. S. S. RAJAN :—" Sir, to-morrow there is an important function in which we as a Government are very much interested. We have moved and successfully moved for the establishment of a Leather Research Institute in this Province and the Hon. Mr. Shyam Prasad Mukherji, the Hon. Member in charge of Supplies in the Government of India is coming here to-morrow to lay the foundation stone at about half past eleven at Guindy. Members of Government feel that their presence at the function is not only necessary but will be indicative of their goodwill with regard to the scheme that we are launching on behalf of the Province. Hon. Members of the House will also I expect get invitations in the course of the day. I suggest that they come and attend the function. In any case we as a Government have got to be there. Therefore I would suggest that we might meet at half past two to-morrow instead of at 11 o'clock."

MR. PRESIDENT :—" I think the House has no objection. If necessary we can sit a little late to-morrow."

## III.—GOVERNMENT BILLS.

### (1) THE MADRAS RE-ENACTING AND REPEALING (NO. I) BILL, 194 (L.A. BILL NO. 3 OF 1948).

* MR. PRESIDENT :—" On yesterday's point of order I am giving the following ruling. I request the House to permit me to do it sitting.

" When the Re-enacting and Repealing Bill (No. I) Bill 194 (L.A. Bill No. 3 of 1948) was taken up for consideration the following point of order was raised by the Opposition. 'The objection is that the present Bill seeks to enact at one stroke a bunch of nearly one hundred Acts which are about to expire, some to be re-enacted *in toto* and some others with certain modifications

and that it also seeks to repeal a number of other Acts.' The Opposition's case is that whatever might be the case about the repeal of Acts, every measure for enacting a particular Act should come up before the House independently and the various clauses of the said measure should be put to the House one by one as usual. In short the objection is that in this particular case there ought to be nearly 100 separate motions for enacting the various Acts and that they should not at all be clubbed together and brought up as a schedule to one Bill which seeks to enact all such measures in a 'group'. At first it looked to me that there was considerable force in this argument. During the course of the discussion I felt that the procedure adopted for re-enacting or continuing an existing Act which is about to expire shortly should by its very nature be different from the procedure for placing a new Bill on the Statute Book. Investigation into the question reveals that my impression is wellfounded. The Legislative Council Rules are silent about this point and do not contain any provision for or against, relating to the procedure for dealing with existing laws. It is, therefore, necessary to look at the procedure of the other Legislatures for deciding this point. In May's Parliamentary Practice, Fourteenth Edition, on page 289 we find the following :—

'Finally there are certain annual routine measures such as the Army and Air Force (Annual) Bill and the Expiring Laws Continuance Bill which should be passed in Government time, but offer a very wide choice of subjects for criticism which is expressed by means of amendments moved at the Committee stage.'

In Halsbury's Statutes of England, Volume XVIII, 1930, on page 1178 we find the following :—

'Expiring Laws Act, 1922 (12 and 13, Geo. 5 c. 50). An Act to deal with certain expiring laws by making some of them permanent, repealing others and continuing the remainder for a limited period.'

We find that the provisions of this Act are exactly similar to the provisions of the present Bill. The abovementioned Act of 1922 contains a statement to the effect that the Acts mentioned in Parts I and II of the First Schedule are limited to expire on particular dates and the Acts mentioned in the Second Schedule are limited to expire on particular date and the Acts mentioned in the Third Schedule are limited to expire on various dates and states as follows :—

'Whereas it is expedient that the Acts mentioned in the First Schedule to this Act should be made permanent, that the Acts mentioned in the Second Schedule to this Act should be repealed and that the Acts mentioned in the Third Schedule to this Act should be continued, as in this Act mentioned, together in each case with any enactments amending or affecting the same.

Section 1. The Acts mentioned in the first schedule to this Act shall to the extent specified in column 3 of that Schedule become permanent Acts and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of these Acts or any parts thereof are to remain in operation shall cease to have effect.

Section 2. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in column 3 of this Schedule.

Section 3. Spent. (This obviously dealt with Schedule 3).'

The Schedules to this Act consist of a number of Acts grouped together. On page 1181 we find a similar Act, namely, the Expiring Laws Act, 1925, to deal with certain expiring laws by

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making some of them permanent, continuing some of them permanently and continuing the remainder for a limited period. On page 1226 we find another Expiring Laws Continuance Act, 1928, to continue certain expiring laws. On page 1227 we find an Expiring Laws Continuance Act, 1929, to continue certain expiring laws.

"Thus we see that this procedure of dealing with existing Acts in a group is well known in England and is being adopted there. Further the word 'permanent' which was vehemently objected to in this House also finds place in those Acts. Sir Erskine May says that this is a routine business almost every year.

"Coming to India, India Act I of 1938 of the Indian Legislature, published in the *Gazette of India*, dated 5th March 1938, is for repealing certain enactments. Act XXV of 1942 passed by the Indian Legislature similarly repeals a number of Acts and Regulations mentioned in the First Schedule and carries out amendments to various other Acts mentioned in the Second Schedule. Act II of 1948 of the Indian Legislature similarly repeals a number of Acts and amends the Indian Income-tax Act. Coming to Madras, Madras Act VI of 1937 similarly repeals a number of Acts. We find the same procedure adopted in Central Provinces as well as West Bengal. [*Vide* the Central Provinces and Berar Expiring Law Continuance and Amending Act XLVIII of 1947 and the West Bengal Laws (Amendment and Repeal) Act XII of 1947]. It is, therefore, clear that this procedure is well accepted and followed in the British Parliament and the same procedure is being adopted in the Indian and Provincial Legislatures. The reason behind this procedure seems to be obvious. Since the Acts to be affected are already on the Statute Book, which means that they were well considered and passed by the Legislature, there is no reason to bring them up one by one for giving them a fresh lease of life. If any hon. Member should object to any Act being continued or being amended in a particular manner, he can always bring up suitable amendments. An argument is advanced that the present Bill deals with a number of enactments passed during the Advisers' regime under the powers vested in the Governor under section 93 of the Government of India Act, 1935, and as such this House had no opportunity of discussing the said Acts. This is no doubt true, but it is the direct result of the changes which the constitution of this country underwent from time to time. If the Acts in question are really very important in the sense that they involve serious questions, I am sure that Government would have taken care to see that such measures were duly brought up for discussion in this House. But the Acts all appear to be very formal and routine things which do not deserve such a great deal of expenditure of valuable public time by taking them up individually. Further, this and the other two similar Bills have been supplied to hon. Members months ahead, and it cannot be said that hon. Members had no reasonable opportunity of bringing up suitable amendments if they chose. I, therefore, think there is no warrant or justification for drawing any distinction for this

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purpose between Acts passed by a duly constituted Legislature and Acts passed as a result of section 93 regime as long as they continue to be legal under the law for the time being in force.

" There is another point which has been discussed and to which reference should be made. On the 23rd February 1948 a motion was made in this House for agreeing to set up a Joint Select Committee for consideration of this Bill. The House agreed to that motion and appointed a Committee to work jointly with the Committee of the Assembly. I feel that such a fundamental objection as this ought to have been taken when that motion was made before this House. It cannot be said that this House had no opportunity of discussing the principles of this Bill then but simply blindly agreed to the setting up of the Joint Select Committee. The House could agree to such a motion only if it accepts the principles of the Bill. If not the House ought to reject such a motion, because it is futile to set up a Committee to consider the Bill first and later object to the very principle on which it is based. I, therefore, think that 23rd February 1948 was the proper time for raising such an objection though I do not give it as my ruling that points of order raising questions of illegality should not be taken up at any proper time when they are found necessary. For the reasons given above, I overrule this point of order and allow the discussion to go on. At the same time, I hope the House will agree that the time spent on the discussion of this question is not a waste. The point raised is a very important one and the discussion has helped me and the House to correctly understand the principles underlying such a procedure. I have, therefore, great pleasure in commending the Opposition for having raised this point and helped us in the proper understanding of Legislative procedure.

" The question is—

' *that the Madras Re-enacting and Repealing (No. I) Bill, 194 (L.A. Bill No. 3 of 1948), as passed by the Legislative Assembly be taken into consideration at once* '."

The motion was put and carried.

Clauses 2 to 7 were put separately and carried.

The First Schedule, the Second Schedule, the Third Schedule, and the Fourth Schedule, and Clause 1 were put and carried.

*Preamble.*

The Preamble was put and carried.

SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, before the Hon. Minister moves that the Bill be passed into law, I wish to point out a spelling mistake. In Clause 4 (3) (*a*), in line 2, instead of the word ' then ' the word ' than ' is printed. This requires correction."

* THE HON. SRI K. MADHAVA MENON :—" Sir, in my copy the word is ' then '.

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"I move, Sir, that the Bill be passed into law. I also agree with you, Sir, that the time taken in discussing the point of order has not been a waste. I am glad that a ruling has been given on the point of order. Dr. John was very vehement when he said that nowhere in the world have such things been done and he wanted to make people believe that nobody else knew the laws."

The motion that the Bill be passed into law was put and carried.

(2) THE MADRAS RE-ENACTING (NO. II) BILLS, 1948
L A. BILL NO. 6 OF 1948).

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

'*that the Madras Re-enacting (No. II) Bill, 1948 (L.A. Bill No. 6 of 1948)* [a] *,as passed by the Legislative Assembly be taken into consideration at once.*'

" This is similar to the Bill which we just now passed except for the difference that this is a re-enacting Bill. There is no repeal of Bills here. All the three Schedules to the Bill are to be re-enacted. The First Schedule relates to Acts permanently re-enacted, the Second Schedule relates to Acts permanently re-enacted with specified modifications, and the Third Schedule relates to Acts temporarily re-enacted for a period of one year. This Bill was referred to a Joint Select Committee of both the Houses and the Joint Select Committee has gone into the details of the Bill, and it has approved of this Bill. I have nothing more to add except to request the House to take this Bill into consideration at once."

The motion was put and carried.

Clauses 2 to 6 were put separately and carried.

*The First Schedule.*

The First Schedule was put and carried.

*The Second Schedule.*

The Second Schedule was put and carried.

*The Third Schedule.*

The Third Schedule was put and carried.

*Clause 1.*

Clause 1 was put and carried.

*Preamble.*

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON :—" I move, Sir—

'*that the Bill be passed into law*'."

The motion was put and carried and the Bill was passed into law.

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a Printed as Appendix I on pages 272–281 infra.